

**PORTER | SCOTT**  
A PROFESSIONAL CORPORATION  
Stephen E. Horan, SBN 125241  
John R. Whitefleet, SBN 213301  
David R. Norton, SBN 291448  
350 University Avenue, Suite 200  
Sacramento, California 95825  
TEL: 916.929.1481  
FAX: 916.927.3706

Attorneys for Defendant COUNTY OF HUMBOLDT

BENJAMIN MAINZER, CSB 257748 BRAGG, MAINZER & FIRPO, LLP  
804 Third Street  
Eureka, CA 95501  
Telephone: 707-445-7917  
Facsimile: 707-443-0442

ERIK BAUER, LAW OFFICE OF ERIK BAUER  
215 Tacoma Ave. S  
Tacoma, WA 98402  
Telephone: 253-383-2000

AMANDA M. SEARLE, CSB 263614 CONNELLY LAW OFFICES, PLLC  
2301 N. 30th St.  
Tacoma, WA 98406  
Telephone: 253-593-5100  
Facsimile: 253-593-0380

Attorneys for Plaintiff TRINITY WILLIAMS

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

TRINITY WILLIAMS, individually,

CASE NO.: 3:19-cv-01330-MMC

Plaintiffs,

**JOINT FURTHER  
CONFERENCE STATEMENT**

**STATUS**

v.

COUNTY OF HUMBOLDT and DOES 1  
through 50,

**Date:** June 12, 2020

**Time:** 10:30 a.m.

**Judge:** Hon. Maxine M. Chesney

**Department:** Courtroom 7, 19<sup>th</sup> Floor

Defendants.

Complaint filed: 1/31/2019

Trial: 05/17/21

The parties to the above-entitled matter jointly submit this Joint Further Status Conference Statement pursuant to the Standing Order for All Judges of the Northern District of California and Civil Local Rule 16-10(d).

**I. Jurisdiction & Service**

This Court has jurisdiction over the subject matter and the parties pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 1983. This Court has supplemental jurisdiction over the related state law claims pursuant to 28 U.S.C. § 1367.

There are no issues regarding personal jurisdiction or service. All parties have been served or appeared.

**II. Facts**

This case arises from alleged failed or improper investigations into alleged sexual and/or physical assault/abuse of Plaintiff by third-party Christopher Fosnaugh, beginning in or around 2013 through 2017. Plaintiff alleges she was repeatedly raped, impregnated, sexually abused, stabbed, beaten and subject to other abuses during this time period. Plaintiff alleges County of Humboldt Department of Health and Human Services were aware of said conduct and failed to investigate, cross-report to law enforcement, or prevent such conduct.

Plaintiff further contends that through the affirmative conduct of the County via the actions of its employees and/or its agents, Plaintiff was exposed to danger that she would otherwise not have faced, thereby violating her Constitutional rights. Plaintiff also contends that the County, by and through its employees and/or agents, owed the Plaintiff a duty of care, due to its special relationship with the Plaintiff, and breached that duty to protect the Plaintiff from foreseeable harm.

The County denies all allegations and disputes all factual assertions.

**III. Legal Issues**

**Plaintiff's Statement:**

1. Whether a special relationship existed among County, its employees and agents and Plaintiff;
2. Whether County, via affirmative conduct, did expose Plaintiff to danger she would not otherwise have faced, violating her Constitutional rights;

3. Whether via such exposure, was Plaintiff was harmed;
4. The nature and reasonable amount of any damages Plaintiff suffered;
5. Whether County failed to train, supervise or discipline its employees and/or agents, or whether County ratified improper conduct of its employees and/or agents;
6. Whether the harm alleged to have befallen Plaintiff would have occurred had more training and adequate supervision of its employees, and whether the failure to provide adequate training/supervision was a substantial factor in the alleged violations of Plaintiff's constitutional rights.

County's Statement:

1. Whether a duty existed in relation to Plaintiff's first, second, third, and sixth claims for relief for negligence brought under California Government Code sections 815.2(a) and 820(a), and if so, whether a breach occurred;
2. Whether County violated the California Child Abuse and Neglect Reporting Act ("CANRA") in relation to Plaintiff's fourth and fifth claims for relief;
3. Whether a mandatory duty exists under Welfare & Institutions Code section 16501.1, and California Department of Social Services ("CDSS") regulations 31-205, 31-310, 31-320, 31-335, 31-501, in relation to Plaintiff's fifth claim for relief, and if so, whether a breach occurred;
4. Whether Plaintiff can establish a breach of the Fourteenth Amendment pursuant to 42 U.S.C. section 1983 in relation to Plaintiff's seventh and eight claims for relief.

**IV. Motions**

There are no prior or pending motions with this Court. The parties have previously obtained three stipulated orders from this Court, including a protective order and two amendments to the pretrial scheduling order.

County anticipates filing a motion for summary judgment. County has filed several petitions under California Welfare & Institutions Code section 827 to obtain the juvenile case file of Plaintiff, Plaintiff's son, and Christopher Fosnaugh in both Humboldt and Stanislaus County courts. The courts have issued orders and released documents pursuant to those petitions, and those documents have been produced to Plaintiff in discovery as part of the stipulated protective order.

1           **V.     Amendment of Pleadings**

2           Plaintiff's Statement

3           Doe Defendants are permissible when federal question jurisdiction lies, which was the basis  
4 for County's removal of this matter. Plaintiff anticipates that via discovery, the identity of Doe  
5 defendants will be ascertained. Plaintiff contends that the County's production of documents has been  
6 unreasonably delayed, preventing Plaintiff from determining at present whether further amendment  
7 of pleadings is proper.

8           County's Statement

9           The deadline to amend the pleadings was October 7, 2019. County submits that no further  
10 amendments to the pleadings shall be permitted absent good cause.

11          **VI.    Evidence Preservation**

12          The parties have reviewed the Guidelines Relating to the Discovery of Electronically Stored  
13 Information, and confirm that the parties have met and conferred pursuant to Fed. R. Civ. P. 26(f)  
14 regarding reasonable and proportionate steps to be taken to preserve evidence relevant to the issues  
15 reasonably relevant in this action.

16          **VII.   Disclosures**

17          The parties exchanged initial disclosures on July 1, 2019.

18          **VIII.   Discovery**

19          Plaintiff's Statement

20          The County has dragged its feet with respect to the production of documents, requiring  
21 substantial meet and confer and resulting in delayed production of documents which Defendant first  
22 agreed to produce in August 2019. While over the subsequent months Defendant has produced  
23 documents, these documents have not been produced promptly or with any reasonable haste. Indeed,  
24 substantial documents were not produced until May 2020.

25          Notwithstanding the County's representations regarding production, at present, Plaintiff still  
26 believes the County has not produced all responsive documents in its possession. Among others,  
27 Plaintiff believes that the County still has not produced delivered service logs between August 5,  
28 2013, and May 19, 2014, delivered service logs between March 19, 2015, and November 25, 2015,

1 the Safemeasures e-report dated March 5, 2013, and various portions of the paper files corresponding  
2 to dates between March 5, 2013, and April 29, 2015, that relate to known referrals.

3 The parties have agreed to attend private mediation before Hon. Lynn Duryee (Ret.) in July,  
4 2020. Plaintiff anticipates that if mediation is not successful, judicial intervention will be required to  
5 resolve this discovery dispute.

6 County's Statement

7 County has responded to Plaintiff's interrogatories and two sets of document requests. County  
8 has produced nearly 27,000 pages of documents in discovery and conducted a search of 44 County  
9 email accounts based upon an agreed upon list of 35 search terms. The search generated  
10 approximately 26,000 emails, which were then reviewed for responsiveness, privilege, and  
11 confidentiality by defense counsel's firm.

12 The parties attended a settlement conference in August 2019 with Magistrate Judge Laurel  
13 Beeler. As a result of the settlement conference, County agreed to produce voluminous documents to  
14 Plaintiff so that she can better evaluate the viability of her case. The parties agreed to delay the taking  
15 of depositions so that the parties could obtain documents and potentially attend an additional  
16 settlement conference prior to moving forward with numerous depositions. As of the date of this  
17 statement, the parties have not conducted any depositions. The parties are in the process of scheduling  
18 a private mediation with Hon. Lynn Duryee (Ret.) to take place in July 2020.

19 County served Plaintiff with contention interrogatories in November 2019. Plaintiff has  
20 continuously refused to respond to the interrogatories on the grounds that County propounded them  
21 too early in the litigation, citing *In re Convergent Technologies Sec. Litigation* (N.D.Cal. 1985) 108  
22 F.R.D. 328, 338. In order to avoid motion practice, County agreed to hold off on Plaintiff responding  
23 to the interrogatories until County could complete its document production. As of the date of this  
24 statement, Plaintiff has still refused to respond to the interrogatories. County contends it is entitled to  
25 responses to the interrogatories. This issue may necessitate motion practice should this litigation  
26 continue after mediation.

27 **IX. Class Actions**

28 This matter is not a class action.

**X. Related Cases**

There are no related cases within the meaning of Local Rule 3-12. The parties note however, that any juvenile court matters for Plaintiff will be part of discovery. Additionally, Plaintiff is currently involved in a custody dispute with Mr. Fosnaugh in Humboldt County Family Court.

**XI. Relief**

Plaintiff seeks compensatory and punitive damages, costs of suit, and attorney fees.

**XII. Settlement and ADR**

The parties participated in a settlement conference with Magistrate Judge Laurel Beeler on August 16, 2019. The parties are in the process of scheduling a private mediation with Hon. Lynn Duryee (Ret.) to take place in July 2020.

**XIII. Consent to Magistrate Judge for All Purposes**

County filed a declination to Magistrate Judge jurisdiction on March 19, 2019.

**XIV. Other References**

The parties do not believe this case is suitable for binding arbitration, a Special Master, or the Judicial Panel on Multi-District Litigation.

**XV. Narrowing of Issues**

None at this time.

**XVI. Expedited Trial Procedure**

This case is not appropriate under the Expedited Trial Procedure.

**XVII. Scheduling**

The current scheduling order is as follows:

EVENT	DEADLINE
Deadline To Amend Pleadings	October 7, 2019
Fact Discovery Cut-Off	October 30, 2020
Designation of Experts	December 9, 2020
Supplemental/Rebuttal Experts	January 6, 2021
Expert Witness Discovery Cut Off	February 5, 2021
Last Day to File Dispositive Motions	February 12, 2021
Pre-Trial Conference	March 16 , 2021

EVENT	DEADLINE
Trial	May 17, 2021

**XVIII. Trial**

A 12-day jury trial is set to begin on May 17, 2021.

**XIX. Disclosure of Non-party Interested Entities or Persons**

None known.

**XX. Professional Conduct**

All attorneys in this matter have reviewed the Guidelines for Professional Conduct for the Northern District of California.

**XXI. Other**

At this time, there have not been identified matters which may facilitate the just, speedy, and inexpensive disposition of this matter.

Dated: June 4, 2020

PORTER SCOTT  
A PROFESSIONAL CORPORATION

By /s/ David R. Norton  
Stephen E. Horan  
John R. Whitefleet  
David R. Norton  
Attorneys for Defendant COUNTY  
OF HUMBOLDT

Dated: June 4, 2020

BRAGG, MAINZER & FIRPO, LLP

By /s/ Benjamin Mainzer (as authorized on 6/3/20)  
Benjamin Mainzer  
Attorney for Plaintiff TRINITY  
WILLIAMS